



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

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DALLAS, TX 75202-2733**

December 16, 2009

Jacob Piehl
Assistant Regional Counsel
Office of Regional Counsel Superfund Division
United States Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: Unilateral Administrative Order for Remedial Investigation and Feasibility Study
Docket No. 06-03-10 CERCLA Section 106(a) Conference
San Jacinto River Waste Pits Superfund Site, Pasadena, Harris County, Texas

Dear Mr. Piehl,

Attached are the Environmental Protection Agency's comments on the CERCLA Section 106(a) Conference Summary. Please call me if you have any questions regarding the attached comments.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Nann".

Barbara A. Nann
Assistant Regional Counsel

9140581



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The Environmental Protection Agency's Comments on CERCLA Section 106(a) Conference Summary

1. Third paragraph, second page. Just for clarification purposes to differentiate between two concurrently run actions at the San Jacinto River Waste Pits Superfund Site of an UAO and AOC "Consent Order" should be changed to "removal Administrative Order on Consent (AOC)."
2. Item #7. Just for clarification purposes to differentiate between two concurrently run actions at the San Jacinto River Waste Pits Superfund Site of an UAO and AOC "Consent Order" should be changed to "removal AOC."
3. Item #8. For clarification regarding the removal action which is neither a requirement nor a component of the UAO at issue in this conference. "Respondent proposed submitting the Statement of Work for the removal AOC on 1/29/09. EPA agreed to this timeframe."
4. Item #9. Add the word "removal" prior to the word "AOC" for clarification purposes as to what kind of AOC Respondent is referring.
5. Item #13. Clarification regarding the statement I made. My changes are listed in bold. "Respondents inquired about dredging activity performed by Big Star. Mrs. Nann for EPA stated she would expect a general denial until EPA **has** specific data **tying the parties to the Site**. Respondents mentioned that they identified, from aerial photographs, a **1997** dredge cut directly into the site, and (removed the word "offered" because information from Respondents was submitted regarding Big Star on August 11, 2009) supplied EPA with that information. Mrs. Nann replied that aerial photographs dating back to the 1970s **indicate that the site has been inundated by the San Jacinto River**. Respondents replied that they are not denying prior releases, but they believe at least one release was due to dredging activities, and noted that preliminary data from fingerprinting shows material from the pit is definitely on **Big Star** property. EPA replied that the question remains as to whether that materials is due to dredging in the area of the pits themselves **or dredging of sentiments in the San Jacinto River**. EPA stated that they will be able to ascertain much more once they perform the RI/FS and look at levees and site conditions. Respondents replied that they understand the situation and will provide EPA with technical information.
6. Item #26. Second sentence. For clarification purposes. "EPA replied that completion of the 106(a) Conference Summary **will note the newly agreed upon dates and effectively incorporates the newly agreed upon dates as part of the UAO mandated deadlines.**"
7. The EPA has reviewed Respondents comments and concurs with them.